IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 22160 of 2004

Between:

Ilias Mohd Khan S/o Faiz Mohd. Khan
R/o Pitlam Village. & Mandal, Nizamabad District

..... PETITIONER

AND

1 The State of A.P., rep by Secretary, Home Department,

Secretariat, Hyderabad
2 The Director General of Police, Hyderabad
3 The Superintendent of Police, Nizamabad
4 The Superintendent of Police, Medak at Sangareddy
5 The Dy. Superintendent of Police, Medak at Sangareddy
6 The C.I. Of Police, Narayankhed, Medak District
7 The S.I. of Police, CC.S., Medak at Sangareddy

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more in the nature of Writ of Habeas Corpus to produce the brothers of the petitioner Viz.(1) Feroz Mohd. Khan, aged 25 years and (2) Shahbaz Khan aged 21 years. both are the sons of Faiz Mohd. Khan and R/o Pitlam Vg. & Mnadal, Nizamabad District before this Hon'ble Court who are in the illegal custody of the Police i.e. respondents 5 to 7 herein from 25-11-2004 and 26-11-2004 respectively and also release them forthwtih and also to direct the Hon'ble Dist & Sessions Judge, Nizamabad or the Hon'ble District and Sessions Judge, Medak at Sangareddy to cause an enquiry with regard to the truth or otherwise of the

allegations made by the petitioner in this Writ Petition and also to direct the respondents 1 to 4 herein to take appropriate legal action against the police officials concerned who are responsible for the illegal detention of his brothers in the police Lock-up from 25-11-2004 and 26-11-2004 respectively and also to direct the respondents 1 to4 herein to pay a sum of Rs. 50,000/- each to the detenus towards compensation for their wrongful confinement by the police, Medak District

Counsel for the Petitioner: MR.V.RAVI KIRAN RAO

Counsel for the Respondents.: THE ADVOCATE GENERAL

The Court made the following :

Order: (per Sri BN.J)

Learned counsel for the petitioner submits that the detenu has already been released after the writ petition was filed. He submits that in the counter it has been stated that the detenu was never arrested, which was not a fact. He was arrested, beaten and tortured and then after the writ petition was filed, he was released.

Since the detenu is not in custody as on today, we do not think that any further orders are necessary in this writ petition. However, if the detenu is aggrieved of the alleged detention and torture, he is at liberty to seek appropriate remedy.

22..12..2004

msv.

To

1 The Secretary, Home Department,

Secretariat, State of A.P, Hyderabad
2 The Director General of Police, Hyderabad
3 The Superintendent of Police, Nizamabad
4 The Superintendent of Police, Medak at Sangareddy
5 The Dy. Superintendent of Police, Medak at Sangareddy
6 The C.I. Of Police, Narayankhed, Medak District
7 The S.I. of Police, CC.S., Medak at Sangareddy

8 2 CCs to the Advocate General, High Court of A.P. Hyd (OUT)

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